

To the Honorable Council City of Norfolk, Virginia

September 15, 2015

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special exceptions for a 24-hour convenience store with fuel sales and for the sale of alcoholic beverages for off-premises consumption at 735 East Ocean View Avenue

- 7-Eleven

Reviewed:

/ Cither

Ward/Superward: 5/6

Approved:

Ronald H. Williams, Jr., Deputy City Manager

Item Number:

R-8

Marcus D. Jones, City Manager

I. Staff Recommendation: Approval.

- II. Commission Action: By a vote of 6 to 0, the Planning Commission recommends Approval.
- III. Requests: Special Exceptions:
 - Convenience Store, 24-hours (with fuel sales)
 - Sale of alcoholic beverages for off-premises consumption
- IV. Applicant: 7-Eleven

V. Description:

- This request would allow the construction of a 24-hour 7-Eleven convenience store with gasoline sales, which would include the sale of beer and wine for off-premises consumption; single servings will not be allowed.
- The site will have residential exposure to the south and the potential impacts of exposure to the
 vacant land to the east as well as the residential exposure to the south will be addressed through
 the Site Plan Review Process.
 - Through the Site Plan Review Process, the City will require a lighting plan to be reviewed and approved by the Norfolk Police Department, in order to ensure the site addresses potential CPTED concerns (Crime Prevention Through Environmental Design).

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated July 23, 2015 with attachments
- Letters of support/opposition
- Proponents and Opponents
- Ordinances



Planning Commission Public Hearing: July 23, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Matthew Simons, CFM ///. S.

| Staff Report | Item No. C | -1 | |
|----------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--|
| Address | 735 East Ocean View Avenue | | |
| Applicant | 7-Eleven | | |
| Requests | Special Exceptions | Convenience store, 24-hours (with fuel sales) Sale of alcoholic beverages for off- premises consumption | |
| Property Owner | Heritage Bank and T | rust | |
| Site Characteristics | Site Area | 41,411 sq. ft. | |
| | Zoning | C-2 (Corridor Commercial) | |
| | Neighborhoods | Bayview and Cottage Line | |
| | Character District | Suburban | |
| Surrounding Area | North | OSP (Open Space Preservation): Community Beach Park | |
| | East | C-2: Judy Boone Realty office R-12: apartments | |
| | South | R-12: Royal Mace mid-rise apartments | |
| | West | C-2: vacant land | |



A. Summary of Request

- This request would allow the construction of a 24-hour 7-Eleven convenience store with gasoline sales, which would include the sale of beer and wine for off-premises consumption; single servings will not be allowed.
- At the May Planning Commission meeting, the item was continued to the July public hearing.
 - The continuance was to allow for the revised site layout to be fine-tuned to address transparency requirements, to review the new building elevations and to address landscaping/buffering concerns along the southern property line.
 - The applicant has provided a revised site plan and building elevations which address the concerns raised at the previous meeting.
 - The applicant has also provided the proposed sign package for this 7-Eleven.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

- i. General
 - The proposed uses are permitted in the C-2 district by special exception.
 - The uses located immediately adjacent to the site consist of vacant commercial land to the west, Community Beach Park to the north, an office use to the east and an apartment complex to the south.
 - The property is currently developed with a vacant commercial bank building.
 - 7-Eleven is proposing to redevelop the site in accordance with the attached conceptual site plan, which will be a condition of the 24-hour, convenience store with fuel sales Special Exception.

| | Previous (Heritage Bank) | Proposed (7-Eleven) |
|-----------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------|
| Hours of Operation | 8:00 a.m. until 6:00 p.m., Monday through Saturday | 24-hours a day, seven days a week |
| Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption | N/A | 6:00 a.m. until 12 midnight, seven days a week |

Special exception history:

| City Council Approval | Applicant | Changes |
|-----------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1998 | Heritage Bank and Trust | Commercial Drive-Thru |
| Pending | 7-Eleven | Convenience store, 24-hours (with fuel sales) Sale of Alcoholic Beverages for Off-Premises Consumption |

ii. Parking

- The site is located in the Suburban Character district which requires one parking spaces per 100 square feet of sales floor area within the building.
- The proposed 2,390 square foot sales floor will be required to provide 24 offstreet parking spaces.
 - The proposed development complies with the off-street parking requirements.
- Two bicycle parking spaces will be required.

iii. Flood Zone

The property is in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 2,079 new vehicle trips per day.
- Based upon ITE data, the prior bank use on this site would be expected to generate 407
 weekday trips while the proposed convenience store with gasoline sales would be
 expected to generate 2,486 trips on weekdays.
- Neither Chesapeake Boulevard nor Ocean View Avenue adjacent to the site are identified as severely congested corridors in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near frequent transit service with Hampton Roads Transit bus routes 1 (Granby Street) and 3 (Chesapeake Boulevard) operating adjacent to the site.
- A cross-access easement is being proposed along the rear of the site in order to provide direct pedestrian and vehicular access for any future development of the vacant Ramada Inn parcel located to the west of the site.

E. Impact on the Environment

The development of the site will require approval through the Site Plan Review process and will meet City development regulations, including landscaping and stormwater requirements.

F. Impact on Surrounding Area/Site

- The site will have residential exposure to the south and the potential impacts of exposure
 to the vacant land to the east as well as the residential exposure to the south will be
 address through the Site Plan Review Process.
 - Through the Site Plan Review Process, the City will require a lighting plan to be reviewed and approved by the Norfolk Police Department, in order to ensure the site addresses potential CPTED concerns (Crime Prevention Through Environmental Design).
 - The lighting plan will require proper installation of light shielding devices in order to ensure there is no spillover onto the adjacent properties.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- Letters were sent to the Bayview and Cottage Line Civic Leagues on March 17.
- The applicant attended the Cottage Line, Bayview, Greater Pinewell and Pinewell by the Bay April civic league meetings.
 - Letters of support were received from all the civic leagues.

I. Communication Outreach/Notification

- Legal notice was posted on the property on February 17.
- Letters were mailed to all property owners within 300 feet of the property on April 9.
- Legal notification was placed in The Virginian-Pilot on April 9 and April 16.

J. Recommendation

Staff recommends that the special exception requests be **approved** subject to the conditions shown below:

Conditions - 24-Hour Convenience Store (with fuel sales)

- (a) The site shall be generally designed in accordance with the conceptual site plan prepared by Blakeway Corporation, dated June 22, 2015, revised June 29, 2015, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (b) The site shall be developed to reflect the general massing, materials, fenestration and design elements for the north, south, east and west side of the building as shown in the elevations entitled "Review Board Building, Dumpster & Fuel Canopy Elevations," prepared by K2M Design, Inc., dated February 17, 2015, last revised July 9, 2015, attached hereto and marked as "Exhibit B," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (c) An access connection shall be provided and maintained along the western property line, were shown on the attached conceptual site plan, allowing for both vehicular and pedestrian access to and from this property and the abutting property immediately to the west. The access shall connect to the on-site circulation plan shown on the conceptual site plan attached (attached hereto and marked as "Exhibit A") so that vehicles accessing the property to or from the west through this access connection can reach Chesapeake Boulevard to the east.
- (d) The access connection set forth in condition (c), above, and required by this special exception ordinance shall be shown and marked on the site plan, subject to any revisions that may be required by the City as part of the Site Plan Review and building permit plan review processes.

- (e) The use authorized by this special exception shall not commence unless and until the 7-Eleven store located at 909 East Ocean View Avenue currently operating as both an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption and a Convenience Store, 24hours (no fuel sales) is closed. The existing building shall be demolished within 120 days after the closure.
- (f) All signage on the site shall conform to the material, size, design and placement standards depicted in the sign package prepared by Cummings Signs, attached hereto, and marked as "Exhibit C," subject to any required revisions made during the Site Plan Review and building permit plan review processes.
- (g) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.
- (h) Not less than 50% of the building façade facing East Ocean View Avenue and not less than 25% of the building façade facing Chesapeake Boulevard shall be maintained as transparent as defined in the Zoning Ordinance of the City of Norfolk, 1992 (as amended).
- (i) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the <u>Zoning Ordinance of the City of Norfolk, 1992</u> (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (j) A solid, wood fence not less than eight (8) feet in height shall be installed and maintained in the required landscape buffer area located along the southern property line.
- (k) All non-conforming fences and signs on the site shall be removed.
- (I) All bollards on the site shall be painted and maintained free of visible corrosion.
- (m) No vehicle shall be parked within any sight triangle on the property, any public right-of-way, or any unimproved surface.
- (n) On-site lighting shall be directed and shielded so as to not cast glare onto any adjacent residential properties or public right-of-way.

- (o) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the current existing building.
- (p) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (q) The property shall be kept in a clean and sanitary condition at all times.
- (r) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (s) The establishment shall maintain a current, active business license at all times while in operation.
- (t) No business license shall be issued until conditions (a), (b), (c), (d), (g) and (k) have been implemented in their entirety.

Conditions - Sale of Alcoholic Beverages for Off-Premises Consumption

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be from 6:00 a.m. until 12:00 a.m., seven days a week.
- (b) The use authorized by this special exception shall not commence unless and until the 7-Eleven store located at 909 East Ocean View Avenue currently operating as both an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption and a Convenience Store, 24hours (no fuel sales) is closed. The existing building shall be demolished within 120 days after the closure.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) No alcoholic beverages other that those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (e) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (f) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.

- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments

Location map

Zoning map

1000' radii map of similar ABC establishments

Applications

Site plan

Elevations

Floor plan

Notice to the Cottage Line and Bayview Civic Leagues

Letters of support from the Cottage Line, Bayview, Greater Pinewell and Pinewell by the Bay Civic Leagues

Letter of opposition – four citizens

Letter of response to four citizens from Cottage Line

Letter of opposition – developers of Pinewell Station

Proponents and Opponents

Proponents

Stephen R. Romine – Representative, legal counsel for applicant 999 Waterside Drive, Suite 2100 Norfolk, VA 23510

Jean Mumm – Representative, legal counsel for applicant 999 Waterside Drive, Suite 2100 Norfolk, VA 23510

Nate Tyler – Representative, legal counsel for property owner (Heritage Bank) 440 Monticello Avenue, Suite 2200 Norfolk, VA 23510

Steven Kocen – Representative, property owner (Heritage Bank) 150 Granby Street Norfolk, VA 23510

Steve Blevins – Consulting engineer 270 Independence Circle Virginia Beach, VA 23455

Jay Khorram – Applicant 6337 Tuttle Avenue Norfolk, VA 23502

Matt Smith 1408 Stephanie Way Chesapeake, VA 23320

Opponents

Sandra Winfrey – Royal Mace Apartments Mgmt. 9621 Chesapeake Boulevard Norfolk, VA 23503

Bob Layton 1501 Bayville Street Norfolk, VA 23503 Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "7-ELEVEN" ON PROPERTY LOCATED AT 735 EAST OCEAN VIEW AVENUE.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to 7-Eleven, Inc. authorizing the sale of beer and wine for off-premises consumption at an establishment known as "7-Eleven" on property located at 735 East Ocean View Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 202 feet, more or less, along the southern line of East Ocean View Avenue and 147 feet, more or less, along the western line of Chesapeake Boulevard; premises numbered 735 East Ocean View Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week.
- (b) The use authorized by this special exception shall not commence unless and until the 7-Eleven store located at 909 East Ocean View Avenue currently operating as both an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption and a Convenience Store, 24-hours (no fuel sales) is closed. The existing building shall be demolished within 120 days after the closure.
- (c) This special exception shall terminate in the event of a change in ownership of the facility and may be

revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (e) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (f) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (g) The facility shall maintain a current, active business license at all times while in operation.
- The business authorized by this Special Exception (h) shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," "Off-Premise Sale of Alcoholic and labeled, Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (i) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from

requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (j) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (k) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the

applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (2 pages)



Description of Operations Off-Premises Sale of Alcoholic Beverage

| Date of Application: 2/9//5 | | - A PERSONAL AND | | | |
|-------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------|--|--|--|
| Name of business: 7- Eleven | | | | | |
| Address of business: 735 & Ocea | n View | | | | |
| Name(s) of business owner(s)*: 7-Elan | ren, Inc | | | | |
| Name(s) of property owner(s)*: 7- Ela | van, Inc | • | | | |
| Name(s) of business manager(s)/operator(s): TBD | | | | | |
| Daytime telephone number () | | | | | |
| *If business or property owner is partnership, a *If business or property owner is an LLC or Co | all partners morporation, all | ust be listed. principals must be listed. | | | |
| Proposed Hours of Operation: | | | | | |
| Facility | | everage Sales | | | |
| Weekday From 72am To 72am | Weekday | From Tham To 12 mings | | | |
| Friday From /2am To /2am | Friday | From to 12 midnigh | | | |
| Saturday From 12 am To 12 am | Saturday | From 6 am To 12 modnight | | | |
| Sunday From 72am To 72am | Sunday | From Coam To 12 midnight | | | |
| 2. Type of alcoholic beverage applied for: Beer Wine Di Mixed Bev | erage | | | | |
| Alcoholic beverages to be sold: Ref Room temperature | rigerated | | | | |

DEPARTMENT OF CITY PLANNING

Exhibit A – Page 2 ABC-Off

| approval to | sell servings | that do not r | at is less than 375 milliliters. If you are s neet these criteria, please explain your sizes you would sell: |
|--------------|---------------|---------------|--------------------------------------------------------------------------------------------------------------------|
| Justinicutor | N/A | Jours What s | izeb you would don! |
| L | | | J-Eleven, The Stephen R Romene, Special Rgs Signature of applicant/owner |

DEPARTMENT OF CITY PLANNING

08/03/2015

Form and Correctness Approved:

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT A CONVENIENCE STORE, 24-HOURS (WITH FUEL SALES) KNOWN AS "7-ELEVEN" ON PROPERTY LOCATED AT 735 EAST OCEAN VIEW AVENUE.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a Convenience Store, 24-hours (with fuel sales) known as "7-Eleven" on property located at 735 East Ocean View Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 202 feet, more or less, along the southern line of East Ocean View Avenue and 147 feet, more or less, along the western line of Chesapeake Boulevard; premises numbered 735 East Ocean View Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The site shall be generally designed in accordance with the conceptual site plan prepared by Blakeway Corporation, dated June 22, 2015, last revised June 29, 2015, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review or building permit plan review processes.
- (b) The site shall be developed to reflect the general massing, materials, fenestration, and design elements for the north, south, east, and west side of the building as shown in the elevations entitled "Review Board Building, Dumpster & Fueling Canopy Elevations," prepared by K2M Design, Inc., dated February 17, 2015, last revised July 9, 2015, attached hereto and marked as "Exhibit B," subject to any revisions required by the City to be made

during the Site Plan Review and building permit plan review processes.

- (c) An access connection shall be provided and maintained along the western property line, were shown on the attached conceptual site plan, allowing for both vehicular and pedestrian access to and from this property and the abutting property immediately to the west. The access shall connect to the on-site circulation plan shown on the conceptual site plan attached (attached hereto and marked as "Exhibit A") so that vehicles accessing the property to or from the west through this access connection can reach Chesapeake Boulevard to the east.
- (d) The access connection set forth in condition (c), above, and required by this special exception ordinance shall be shown and marked on the site plan, subject to any revisions required by the City to be made during the Site Plan Review or building permit plan review processes.
- (e) The use authorized by this special exception shall not commence unless and until the 7-Eleven store located at 909 East Ocean View Avenue currently operating as both an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption and a Convenience Store, 24-hours (no fuel sales) is closed. The existing building shall be demolished within 120 days after the closure.
- (f) All signage on the site shall conform to the material, size, design and placement standards depicted in the sign package prepared by Cummings Signs, attached hereto, and marked as "Exhibit C," as subject to any required revisions made during the Site Plan Review or building permit plan review processes.
- (g) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and

submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.

- (h) Not less than 50% of the building façade facing East Ocean View Avenue and not less than 25% of the building façade facing Chesapeake Boulevard shall be maintained as transparent as defined in the Zoning Ordinance of the City of Norfolk, 1992 (as amended).
- (i) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (j) A solid, wood fence not less than eight (8) feet in height shall be installed and maintained in the required landscape buffer area located along the southern property line.
- (k) All non-conforming fences and signs on the site shall be removed.
- (1) All bollards on the site shall be painted and maintained free of visible corrosion.
- (m) No vehicle shall be parked within any sight distance triangle on the property, any public right-of-way, or any unimproved surface.
- (n) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties or public right-of-way.
- (o) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the current existing

building.

- (p) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter and refuse.
- (q) The property shall be kept in a clean and sanitary condition at all times.
- (r) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (s) The establishment shall maintain a current, active business license at all times while in operation.
- (t) No business license shall be issued until conditions (a), (b), (c), (d), (g) and (k) have been implemented in their entirety.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

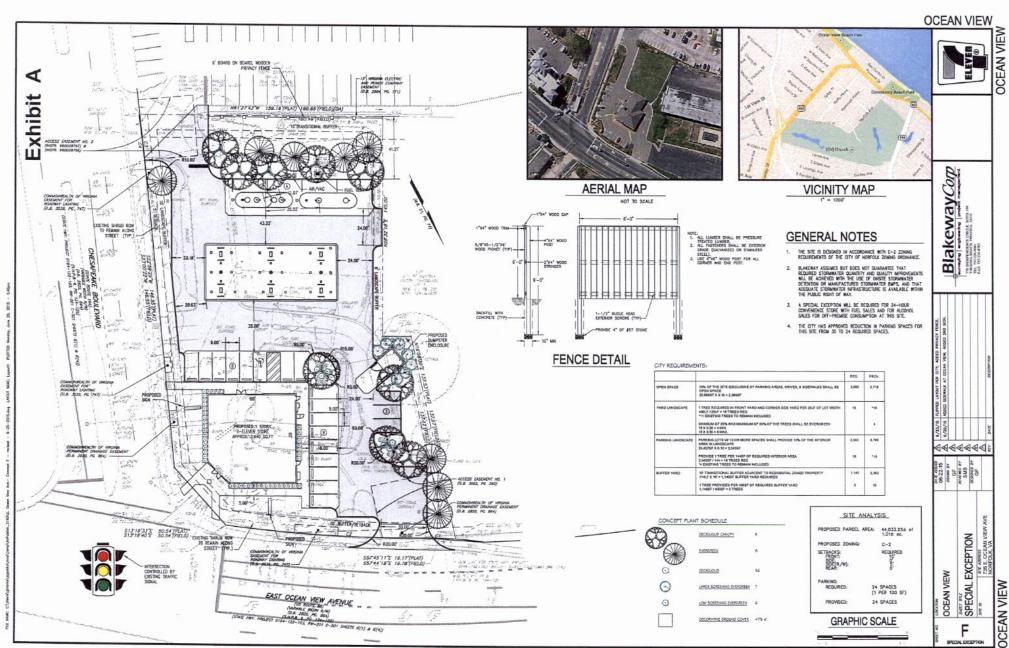
- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the City as a whole;
- (j) The proposed use and development complies with all additional imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)
Exhibit B (1 page)
Exhibit C (12 pages)



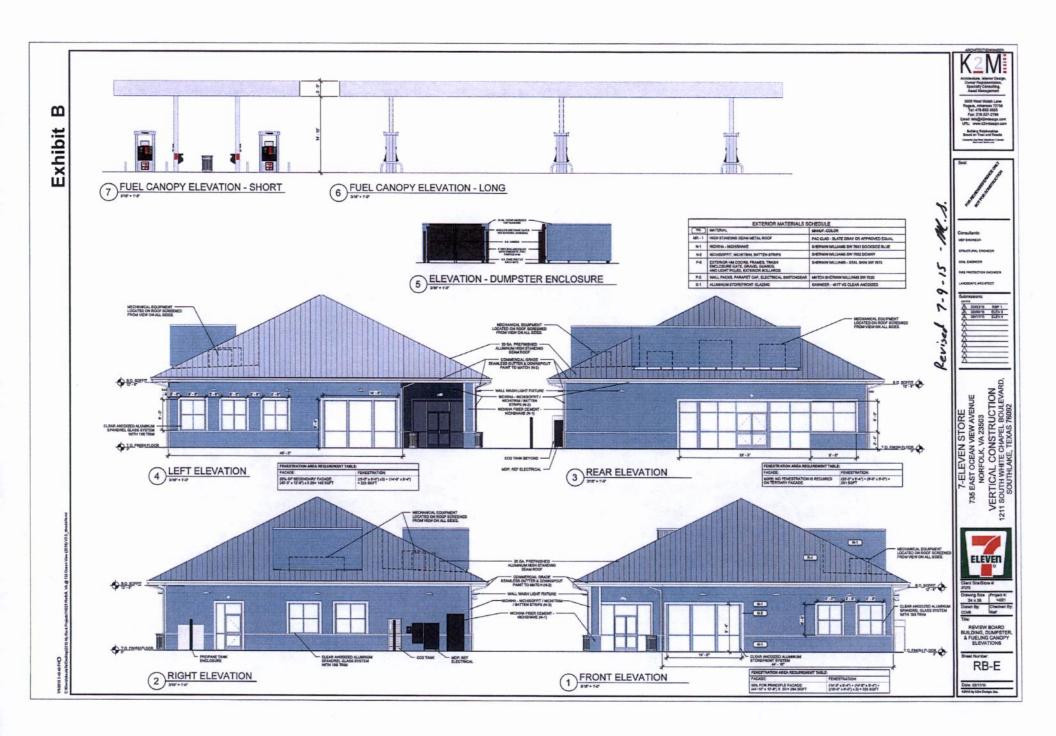
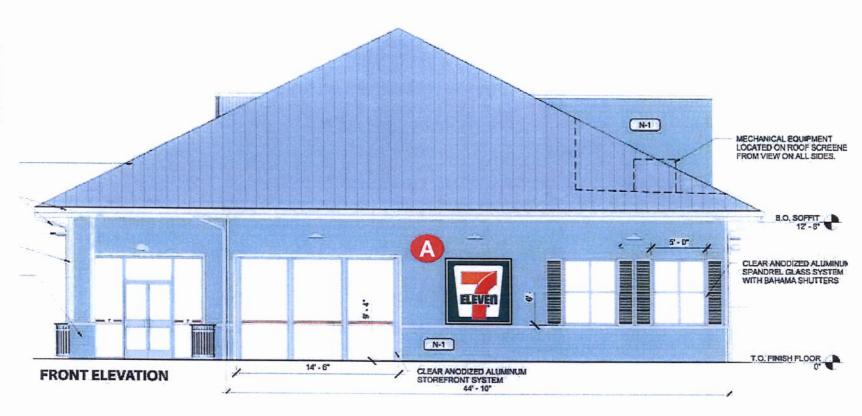


Exhibit C



Proposed Square Footage: 36

Allowed Square Footage: 50

Job Location: 1034687

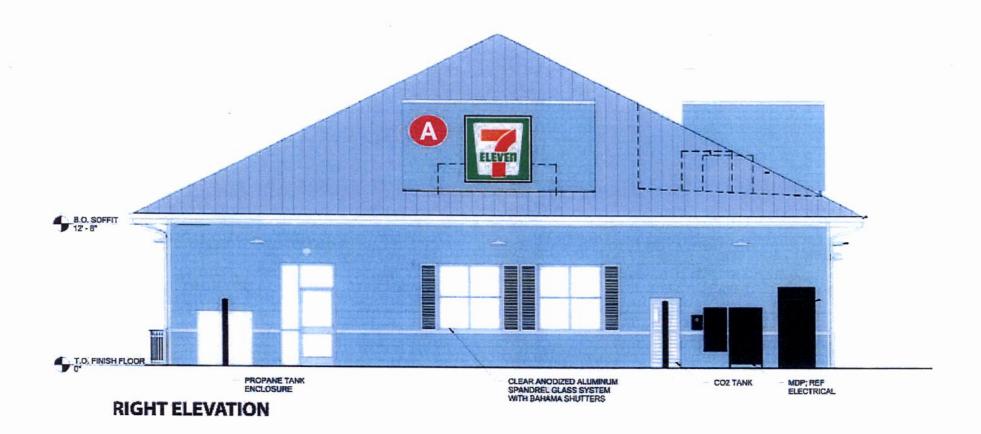
735 E. OCEAN VIEW AVE.,

NORFOLK, VA
Date: June 22, 2015



D-ORDER# 78560.15 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com

Page: 2 of 18



Proposed Square Footage: 25

Allowed Square Footage: 50

Job Location: 1034687

735 E. OCEAN VIEW AVE.,

NORFOLK, VA Date: June 29, 2015

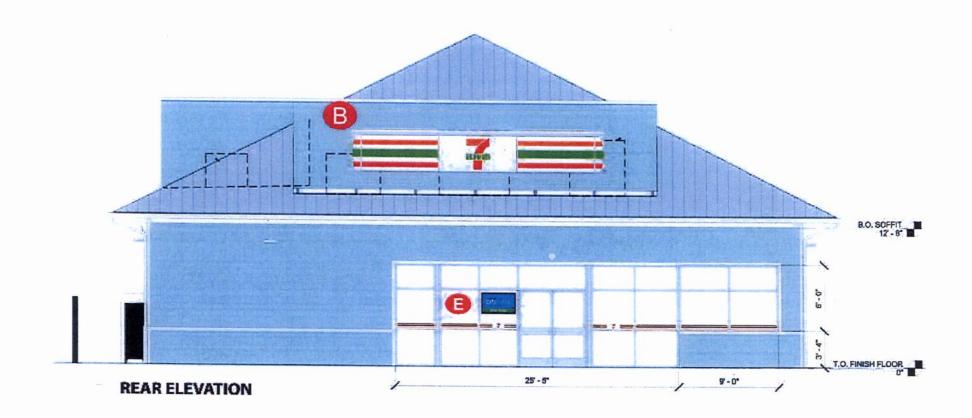


D-ORDER# 78560.16

Project Mgr.: Pat Ault

Pat.Ault@cummingssigns.com

Page: 3 of 18



Proposed Square Footage: 52.5

Allowed Square Footage: 50

Job Location: 1034687

735 E. OCEAN VIEW AVE.,

NORFOLK, VA
Date: June 29, 2015



D-ORDER# 78560.16
Project Mgr.: Pat Ault

Pat.Ault@cummingssigns.com

Page: 4 of 18

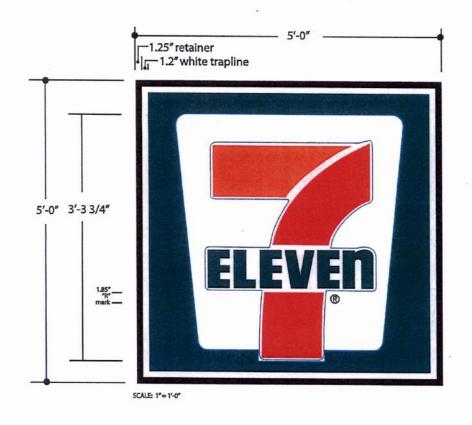
SINGLE FACE INTERNALLY ILLUMINATED

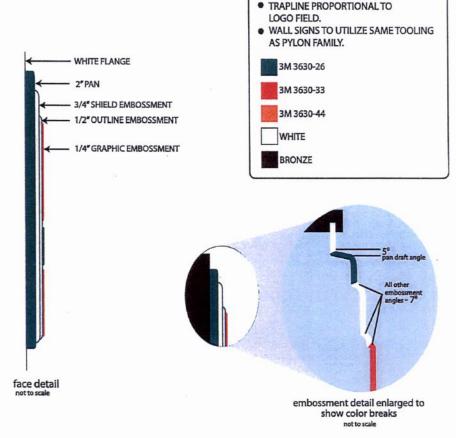
 5 1/2" EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED BRONZE.
 FORMED ACRYLIC FACES WITH EMBOSSED GRAPHICS.

WALL SIGNS.

• LED ILLUMINATION.







PART # 711-W25-SF-LOGO-SIGN PART # 711-W25-LOGO-RF

Display Square Footage (Cabinet): 25

Job Location: 1034687

735 E. OCEAN VIEW AVE.,

NORFOLK, VA

Date: June 29, 2015



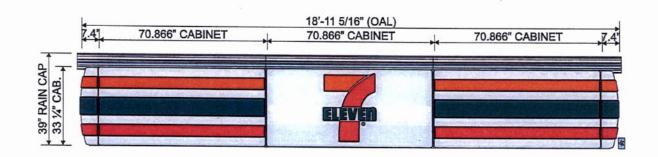
D-ORDER# 78560.16 Project Mgr.: Pat Ault

Pat.Ault@cummingssigns.com

Page: 6 of 18



FASCIA SIGNAGE MANUFACTURED BY TATEYAMA.
THIS ARTWORK NOT TO BE USED FOR PRODUCTION.



Display Square Footage (Cabinet): 52.5

Job Location: 1034687

735 E. OCEAN VIEW AVE.,

NORFOLK, VA Date: June 29, 2015

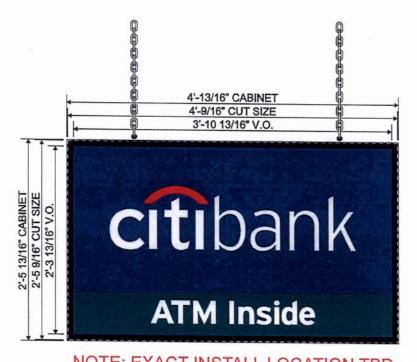


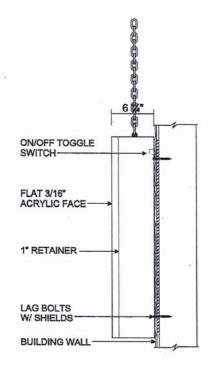
D-ORDER# 78560.16 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com

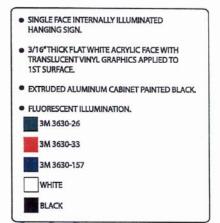
Page: 7 of 18

HANGING SIGN (INTERIOR)









NOTE: EXACT INSTALL LOCATION TBD

SHOWN FOR PERMITTING PURPOSES ONLY. SIGN PROVIDED BY CARDTRONICS. SIGN COMPANY WILL INVOICE CARDTRONICS FOR INSTALLATION SEPERATELY.

Display Square Footage (boxed): 10

Job Location: 1034687

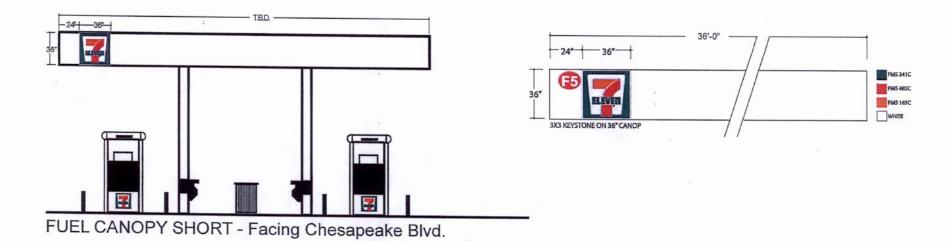
735 E. OCEAN VIEW AVE.,

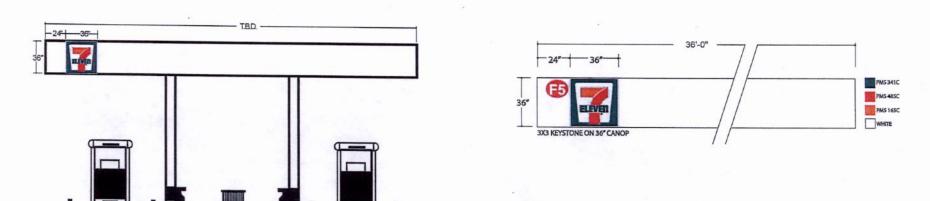
NORFOLK, VA
Date: June 29, 2015



D-ORDER# 78560.16 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com

Page: 8 of 18





FUEL CANOPY SHORT - Opposite Side

Job Location: 1034687

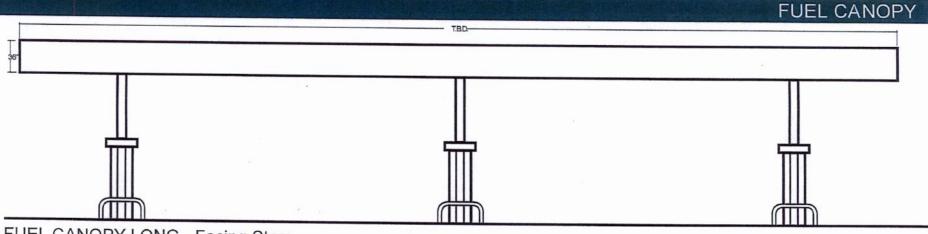
735 E. OCEAN VIEW AVE.,

NORFOLK, VA Date: June 29, 2015

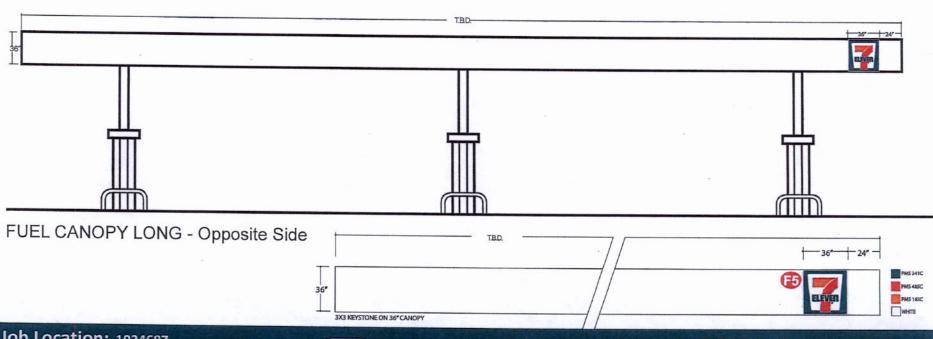


D-ORDER# 78560.16 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com

Page: 9 of 18



FUEL CANOPY LONG - Facing Store



Job Location: 1034687

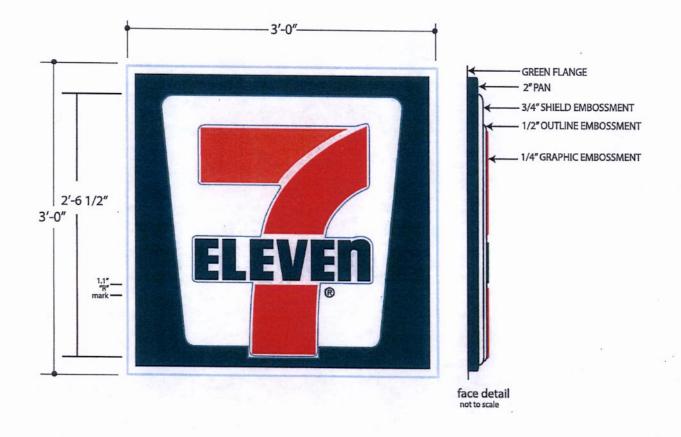
735 E. OCEAN VIEW AVE.,

NORFOLK, VA Date: June 29, 2015



D-ORDER# 78560.16 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com Page: 10 of 18





SINGLE FACE INTERNALLY ILLUMINATED CANOPY SIGNS.
LED ILLUMIATION.
ALUMINUM CABINET PAINTED WHITE.
1" ALUMINUM RETAINERS PAINTED WHITE.
FORMED ACRYLIC FACES WITH EMBOSSED GRAPHICS.

PMS 341C

PMS 485C

PMS 165C

WHITE

Display Square Footage (Cabinet): 9

Job Location: 1034687

735 E. OCEAN VIEW AVE.,

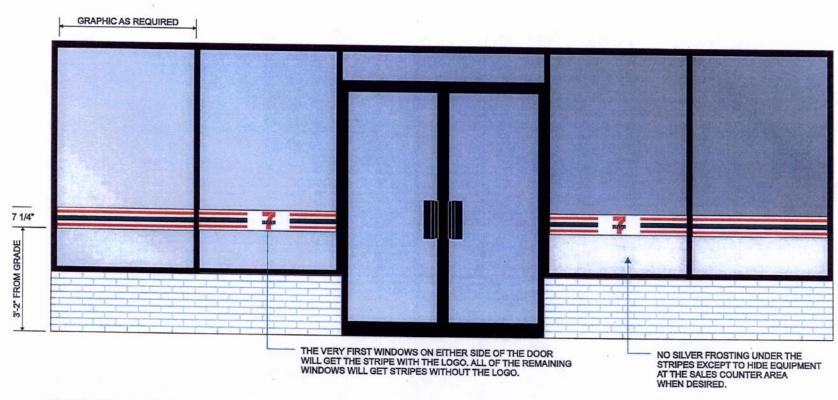
NORFOLK, VA
Date: June 29, 2015



D-ORDER# 78560.16 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com

Page: 11 of 18





WINDOW VINYL GRAPHICS.
VINYL GRAPHICS TO BE APPLIED SECOND SURFACE ONTO DESIGNATED STORE WINDOWS.

NOTE: WINDOW GRAPHICS KITS TO BE PROVIDED AND INSTALLED BY OTHERS.
NOTE: FOR FULL INSTALLATION INSTRUCTIONS, REFER TO 7-ELEVEN SIGNAGE MANUAL.

Job Location: 1034687

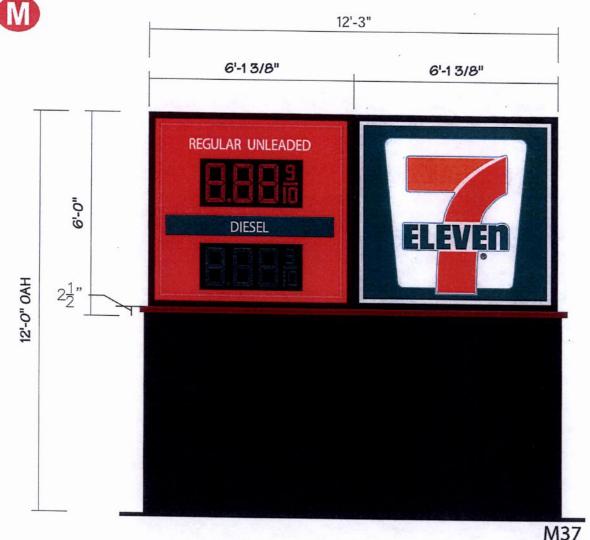
735 E. OCEAN VIEW AVE.,

NORFOLK, VA
Date: June 29, 2015



D-ORDER# 78560.16 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com

Page: 12 of 18



M37 FUEL MONUMENT 2 PRICE LED GAS PRICE SIGN MAIN IDENTITY LOGO

DOUBLE FACE M37 MONUMENT SIGN

MAIN ID SIGN:

- LED ILLUMINATION.
- EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED BRONZE. FORMED ACRYLIC FACES WITH EMBOSSED GRAPHICS.
- TRAPLINE PROPORTIONAL TO LOGO FIELD. LED PRICE SIGN:
- EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED BRONZE.
- FORMED ACRYLIC FACES PAINTED PMS 485 RED.
- WHITE GRADE COPY.
- 16" RED LED PRICE DIGITS.
- INTERNALLY FACE ILLUMINATION WHITE LED

3M 3630-26 WHITE **BRONZE** 3M 3630-33 PMS 485 3M 3630-44

Proposed Square Footage (cabinets): 73.5 @ 12' OAH

Allowable Square Footage.: 75 @ 12' OAH

Job Location: 1034687

735 E. OCEAN VIEW AVE.,

NORFOLK, VA Date: June 29, 2015

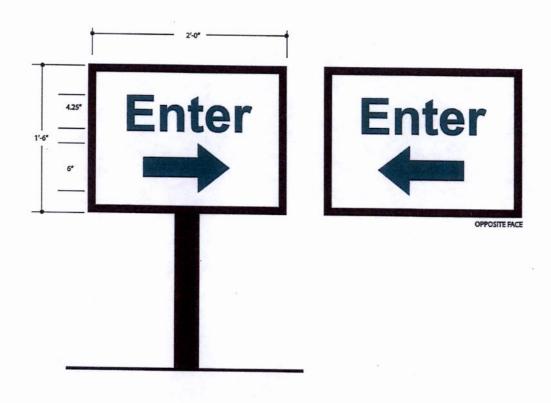


D-ORDER# 78560.16 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com

Page: 13 of 18

DIRECTIONAL SIGNS





| SINGLE FACE INTERNALLY ILLUMINATED DIRECTIONAL SIGNS. |
|-------------------------------------------------------------------------------|
| LED ILLUMINATION. |
| ALUMINUM CABINET & |
| RETAINERS PAINTED BRONZE. |
| FLAT ACRYLIC FACES |
| WITH FLAT GRAPHICS. |
| 3M 3630-26 |
| WHITE |
| BRONZE |

Proposed Square Footage (cabinets): 3

Allowable Square Footage.: 9

Job Location: 1034687

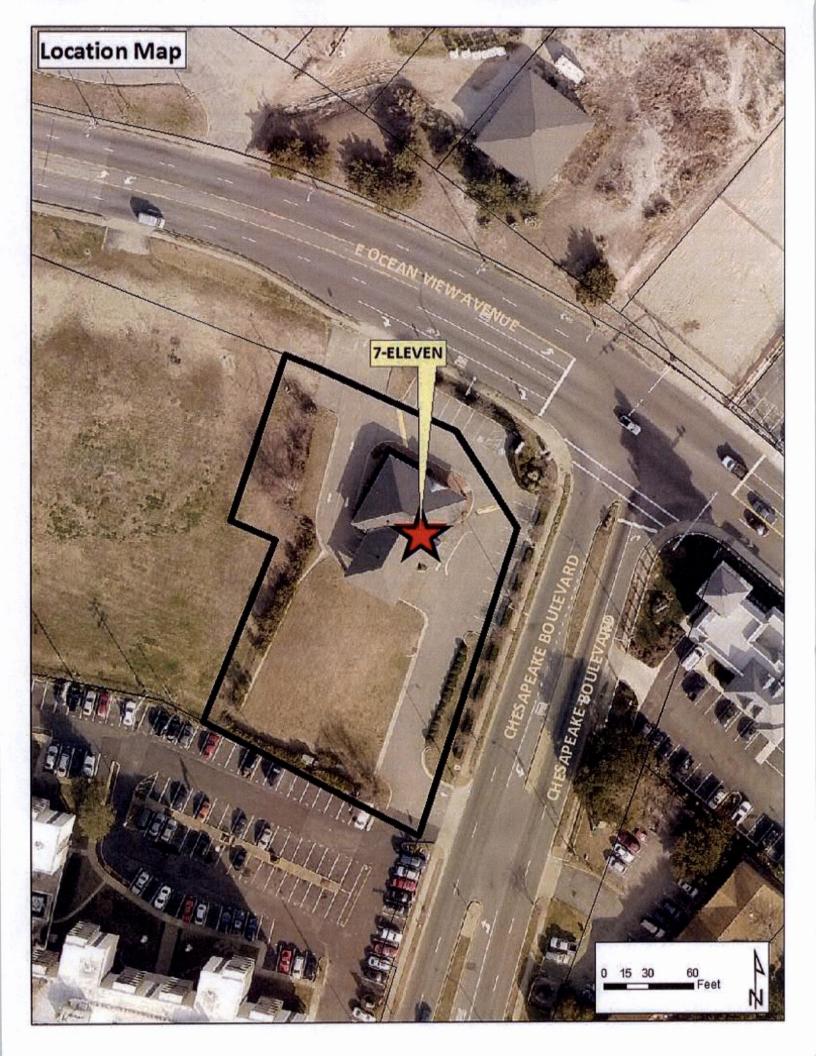
735 E. OCEAN VIEW AVE.,

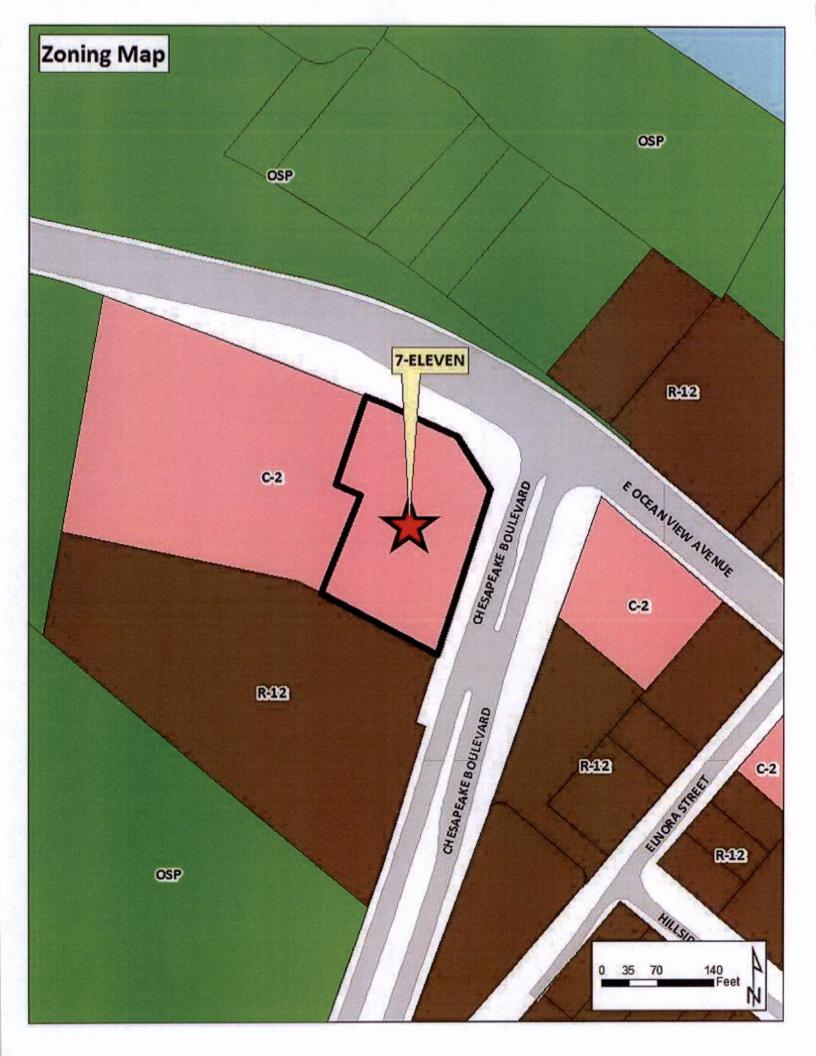
NORFOLK, VA Date: June 29, 2015

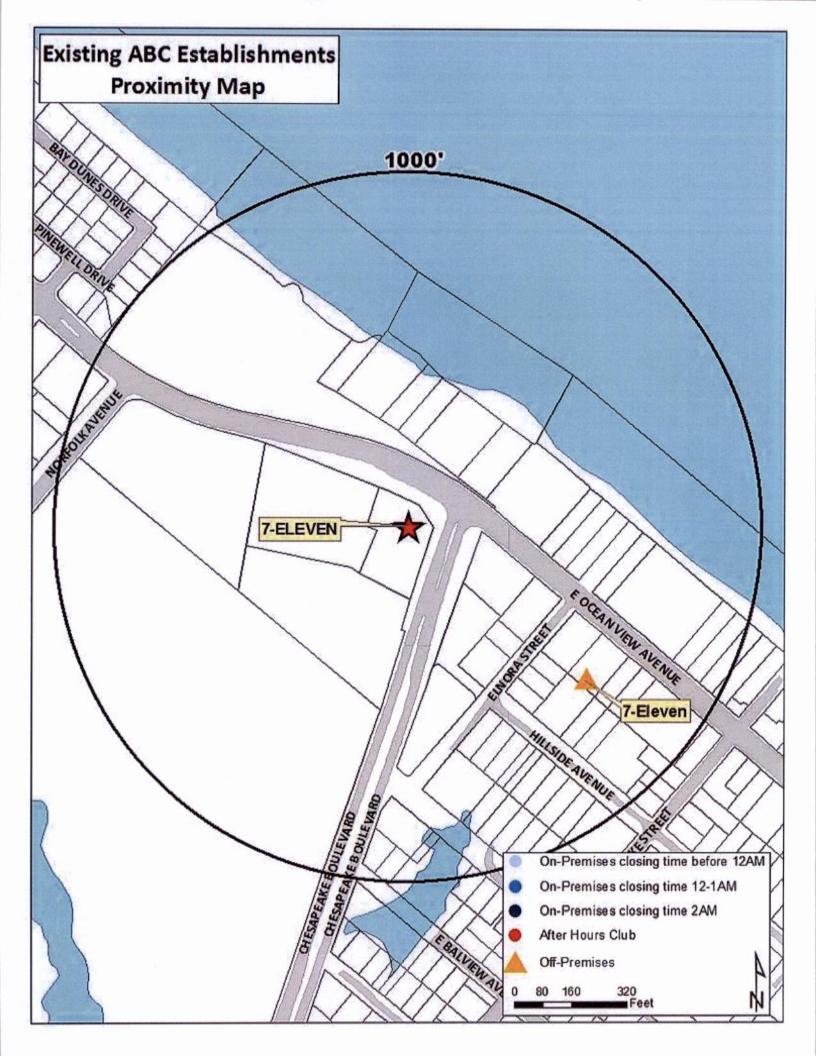


D-ORDER# 78560.16 Project Mgr.: Pat Ault Pat.Ault@cummingssigns.com

Page: 15 of 18









APPLICATION SPECIAL EXCEPTION

| Special Exception for: Gasoline Sales & 24 hours | | | | |
|-------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
| Date of application: 2/9/15 | | | | |
| DESCRIPTION OF PROPERTY Property location: (Street Number) 735 (Street Name) Ocean View Existing Use of Property Bank | | | | |
| Current Building Square Footage 2750 +/- | | | | |
| Proposed Use New Convenience Store W/ Gas | | | | |
| • | | | | |
| | | | | |
| | | | | |
| Proposed Square Footage 2940 +/- | | | | |
| Proposed Hours of Operation: | | | | |
| Weekday From 12am To 12am | | | | |
| Friday From 12am To 12am | | | | |
| Saturday From 12 am To 12 am | | | | |
| Sunday From 12an To 12an | | | | |
| Trade Name of Business (If applicable) 7-Eleven, Inc | | | | |

DEPARTMENT OF CITY PLANNING

Application Special Exception Page 2

| | APPLICANT |
|-----|--------------------------------------------------------------------------------------------------------------------------------------|
| | (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners) |
| | 7- Eleven, The. 1. Name of applicant: (Last) Khorram (First) Jay (MI) |
| | Mailing address of applicant (Street/P.O. Box): 1722 Routh St, Ste 100 |
| | (City) Dallas (State) TX (Zip Code) 7520/ |
| | Daytime telephone number of applicant (757 36/- 3253 Fax (757 366 - 0993 |
| | E-mail address of applicant: javad. khorran@7-11.com |
| | AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./inc., include name of official representative and/or all partners) |
| | 2. Name of applicant: (Last) Romine (First) Stephen (MI) |
| | Mailing address of applicant (Street/P.O. Box): 799 Waterstoe Ur. Ve, 34e 2100 |
| | (City) Norfolk (State) VA (Zip Code) 23510 |
| | Daytime telephone number of applicant (757 441-8921 Fax (757 |
| | E-mail address of applicant: stephen. romine @ loclairryan.com |
| | |
| (If | PROPERTY OWNER property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners) Herifage Rank |
| | 3. Name of property owner: (Last) Kocon (First) Steven (MI) |
| | Mailing address of property owner (Street/P.O. box): 150 Granby St |
| | (City) Narfelk (State) VA (Zip Code) 23510 |
| | Daytime telephone number of owner (757 648-160 Zemail: skocen@hen!tagebankva.com |
| | |

Application

DEPARTMENT OF CITY PLANNING

Special Exception Page 3

CIVIC LEAGUE INFORMATION

| Civic League contact: Cottage L | ne C.L. |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date(s) contacted: | the state of the s |
| | |
| Ward/Super Ward information: Ward 5 | / Smignel Superword 6 / Winn |
| REQUIRED ATTACHMENTS: | E STATE OF THE STA |
| | check, make payable to the City of Norfolk). |
| Application fee includes a non | -refundable \$5 technology surcharge. |
| ✓ One 8½ x 14 inch or 11 x 17 inch | copy of a physical survey, drawn to scale and |
| showing site conditions and improve | ments (including portions of the right-of-way to the |
| curb line): | the formation of the right of they to the |
| Existing and proposed building | structures |
| Driveways |) de destal de |
| Parking | |
| Landscaping | E. |
| Property lines (see attached e | xample) |
| ✓ One 8 ½ x 14 inch or 11 x 17 inch o | opy of a conceptual site plan drawn to scale and |
| showing all proposed site improvem | ents, landscaping, drive aisles and parking with |
| dimensions and proposed changes | to parcel/property lines (including lease lines) i |
| applicable. | to parocuproperty into (moleculary lease lines) |
| application. | |
| CERTIFICATION: | |
| | cation and certify the Information contained |
| herein is true and accurate to the best | of my knowledge: |
| HERDITE LOT INCHIN | |
| Print name: 64: STEVEN C. ROWN, ST | Asign: Officer Well 215 12015 |
| (Property Owner or Authoriz | ed Agent of Signature) (Date) |
| | |
| 7-Eleven, Inc | 7- Eleven, The. |
| Stephen R. Romine | Stephen Romene |
| Print name: Special A grant | Sign: Special agent 2 19 115 |
| (Applicant) | (Date) |
| | • |
| | |
| ONLY NEEDED IF APPLICABLE: | |
| Print name: | Sign: / / |
| (Authorized Agent Signature) | |

DEPARTMENT OF CITY PLANNING



APPLICATION ADULT USE SPECIAL EXCEPTION ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

| Date of Application: 2/9/15 |
|---------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF PROPERTY |
| Property location: (Street Number) 735 (Street Name) E Ocean View |
| Existing Use of Property Bank |
| Current Building Square Footage 2750 +/- |
| Proposed Use New Convenience Store w/Gas |
| Proposed Building Square Footage 29407- |
| Trade Name of Business (If applicable) 7- Elowh, /nc. |
| APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners) 7- 8 1 2 0 2 10, Inc. |
| 1. Name of applicant: (Last) Kharcom (First) Jay (MI) |
| Mailing address of applicant (Street/P.O. Box): 1722 Routh St, Ste 101 |
| (City) 1)a//a5 (State) TX (Zip Code) 75201 |
| Daytime telephone number of applicant (757 36/-3253 Fax (757 366-0993 |
| E-mail address of applicant: javad . khorram@7-11.com |

DEPARTMENT OF CITY PLANNING